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SENATE BILL 28

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING THE PRESIDENT'S GRATIS SCHOLARSHIPS AT PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS TO BE GRANTED BASED ON FINANCIAL NEED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-1-2 NMSA 1978 (being Laws 1970, Chapter 9, Section 1, as amended) is amended to read:

"21-1-2. MATRICULATION AND TUITION FEES.--

A. Except as otherwise provided in this section and in Section 21-1-4.3 NMSA 1978, the boards of regents of the university of New Mexico, New Mexico state university, New Mexico highlands university, western New Mexico university, eastern New Mexico university, New Mexico military institute and New Mexico institute of mining and technology [~~and New Mexico junior college~~] shall establish and charge matriculation

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1 fees and tuition fees as follows:

2 (1) each student shall be charged a
3 matriculation fee of not less than five dollars (\$5.00) upon
4 enrolling in each institution;

5 (2) each student who is a resident of New
6 Mexico shall be charged a tuition fee of not less than twenty
7 dollars (\$20.00) a year;

8 (3) each student who is not a resident of New
9 Mexico shall be charged a tuition fee of not less than fifty
10 dollars (\$50.00) a year;

11 (4) each student shall be charged a tuition
12 fee of not less than ten dollars (\$10.00) for each summer
13 session; and

14 (5) each student may be charged a tuition fee
15 for extension courses.

16 B. Except as otherwise provided in this section and
17 in Section 21-1-4.3 NMSA 1978, the board of regents of northern
18 New Mexico [~~state school~~] college shall establish and charge
19 each student a matriculation fee and a tuition fee.

20 C. The board of regents of each institution may
21 establish and grant gratis scholarships to students who are
22 residents of New Mexico in an amount not to exceed the
23 matriculation fee or tuition and fees, or both. These
24 scholarships are in addition to the lottery tuition
25 scholarships authorized in Section 21-1-4.3 NMSA 1978 and shall

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1 be granted to the full extent of available funds before lottery
2 tuition scholarships are granted. The number of scholarships
3 established and granted pursuant to this subsection shall not
4 exceed three percent of the preceding fall semester enrollment
5 in each institution and shall not be established and granted
6 for summer sessions. The president of each institution shall
7 select and recommend to the board of regents of ~~[his]~~ the
8 institution, as recipients of scholarships, students who
9 possess good moral character and satisfactory initiative,
10 scholastic standing and personality. ~~[At least thirty-three~~
11 ~~and one-third percent]~~ All of the gratis scholarships
12 established and granted by each board of regents each year
13 shall be granted on the basis of financial need.

14 D. The board of regents or governing board of each
15 institution set out in this subsection may establish and grant,
16 in addition to those scholarships provided for in Subsection C
17 of this section, athletic scholarships for tuition and fees.
18 In no event shall the board of regents of any institution be
19 allowed to award scholarships for tuition and fees for more
20 than the number of athletic scholarships set out in this
21 subsection and in no event shall more than seventy-five percent
22 of the scholarships granted be for out-of-state residents:

23 (1) the board of regents of the university of
24 New Mexico may grant up to two hundred ninety-three athletic
25 scholarships;

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1 (2) the board of regents of New Mexico state
2 university may grant up to two hundred seventy athletic
3 scholarships;

4 (3) the boards of regents of New Mexico
5 highlands university, eastern New Mexico university and western
6 New Mexico university may each grant up to one hundred forty
7 athletic scholarships; and

8 (4) the ~~[board of regents]~~ governing board of
9 New Mexico junior college may grant up to fifty-two athletic
10 scholarships.

11 E. In the event that the number of athletic
12 scholarships exceeds the number of athletic scholarships
13 permitted that institution by regulations and bylaws of the
14 national collegiate athletic association or the national
15 association of intercollegiate athletics of which that
16 institution is a member, the appropriate board of regents shall
17 reduce the number of authorized tuition scholarships to comply
18 with association rules and regulations.

19 F. Matriculation fees and tuition fees shall be
20 fixed and made payable as directed by the board of regents of
21 each institution, collected by the officers of each institution
22 and accounted for as are other funds of the institutions.
23 Matriculation fees shall be charged only once for each
24 institution in which a student enrolls."

25 Section 2. Section 21-13-19 NMSA 1978 (being Laws 1968,

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1 Chapter 70, Section 2, as amended) is amended to read:

2 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

3 A. For those students in community colleges taking
4 college-level courses, full-time-equivalent students shall be
5 defined and computed by the higher education department in the
6 same manner in which it defines and computes full-time-
7 equivalent students for all other college-level programs within
8 its jurisdiction.

9 B. No student shall be included in any calculations
10 made under the provisions of this section if the student is
11 enrolled in a course the cost of which is totally reimbursed
12 from federal, state or private sources.

13 C. The higher education department shall not
14 recommend an appropriation greater than three hundred
15 twenty-five dollars (\$325) for each full-time-equivalent
16 student for any community college that levies a tax at a rate
17 less than two dollars (\$2.00), unless a lower amount is
18 required by operation of the rate limitation provisions of
19 Section 7-37-7.1 NMSA 1978 upon a rate of at least two dollars
20 (\$2.00) on each one thousand dollars (\$1,000) of net taxable
21 value, as that term is defined in the Property Tax Code, or any
22 community college that reduces a previously authorized tax
23 levy, except as required by the operation of the rate
24 limitation provisions of Section 7-37-7.1 NMSA 1978.

25 D. The higher education department shall require

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1 from the community college such reports as the department deems
2 necessary for the purpose of determining the number of full-
3 time-equivalent students at the community college eligible to
4 receive support under this section.

5 E. A community college board shall establish
6 tuition and fee rates for its respective institutions for full-
7 time, part-time, resident and nonresident students, as defined
8 by the higher education department.

9 F. A community college board may establish and
10 grant gratis scholarships to students who are residents of New
11 Mexico in an amount not to exceed the matriculation fee or
12 tuition and fees, or both. The gratis scholarships are in
13 addition to the lottery tuition scholarships authorized in
14 Section 21-13-10 NMSA 1978 and shall be granted to the full
15 extent of available funds before lottery tuition scholarships
16 are granted. The number of scholarships established and
17 granted pursuant to this subsection shall not exceed three
18 percent of the preceding fall semester enrollment in each
19 institution and shall not be established and granted for summer
20 sessions. The president of each institution shall select and
21 recommend to the community college board of the president's
22 institution, as recipients of scholarships, students who
23 possess good moral character and satisfactory initiative,
24 scholastic standing and personality. [~~At least thirty-three~~
25 ~~and one-third percent~~] All of the gratis scholarships

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1 established and granted by each community college board each
2 year shall be granted on the basis of financial need.

3 G. A student in a home school or private school who
4 meets the eligibility criteria in rules promulgated by the
5 public education department and higher education department may
6 apply for dual credit courses, provided that the student pays
7 the full cost of dual credit courses."

8 Section 3. Section 21-14-5 NMSA 1978 (being Laws 1957,
9 Chapter 143, Section 4, as amended) is amended to read:

10 "21-14-5. FINANCING OF BRANCH COMMUNITY COLLEGES--TUITION
11 AND FEE WAIVERS.--

12 A. Financing of branch community colleges shall be
13 by tuition and fees, which shall be set by the board of regents
14 of the parent institution, by gifts and grants and by other
15 funds as may be made available pursuant to the provisions of
16 the College District Tax Act or Chapter 21, Article 14 NMSA
17 1978.

18 B. The board of regents of the respective parent
19 institution of the branch community college may establish and
20 grant gratis scholarships to students of the branch community
21 college who are residents of New Mexico in an amount not to
22 exceed the matriculation fee or tuition and fees, or both.
23 Except as provided in Section 21-1-4.3 NMSA 1978, the number of
24 scholarships established and granted shall not exceed three
25 percent of the preceding fall semester enrollment in the branch

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1 community college and shall not be established and granted for
2 summer sessions. The president of each institution shall
3 select and recommend to the board of regents of ~~[his]~~ the
4 president's institution, as recipients of scholarships,
5 students who possess good moral character and satisfactory
6 initiative, scholastic standing and personality. ~~[At least~~
7 ~~thirty-three and one-third percent]~~ All of the gratis
8 scholarships established and granted by the board of regents
9 for a branch community college each year shall be granted on
10 the basis of financial need."

11 Section 4. Section 21-16-10 NMSA 1978 (being Laws 1968,
12 Chapter 59, Section 3, as amended) is amended to read:

13 "21-16-10. APPROPRIATION--DISTRIBUTION.--

14 A. The higher education department shall recommend
15 an appropriation for each technical and vocational institute
16 based upon its financial requirements in relation to its
17 authorized program and its available funds from non-general
18 fund sources; provided, the recommended appropriation shall be
19 an amount not less than three hundred twenty-five dollars
20 (\$325) for each full-time-equivalent student.

21 B. The higher education department shall by rule
22 provide for the method for calculating the number of
23 full-time-equivalent students in technical and vocational
24 institutes. No student shall be included in any calculation of
25 the number of full-time-equivalent students if the student is

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1 enrolled in a course, the cost of which is totally reimbursed
2 from federal, state or private sources.

3 C. The higher education department shall not
4 recommend an appropriation greater than three hundred
5 twenty-five dollars (\$325) for each full-time-equivalent
6 student for any technical and vocational institute that levies
7 a tax at a rate less than two dollars (\$2.00), unless a lower
8 amount is required by operation of the rate limitation
9 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved
10 by the electors of at least two dollars (\$2.00) on each one
11 thousand dollars (\$1,000) of net taxable value, as that term is
12 defined in the Property Tax Code, or any technical and
13 vocational institute that reduces a previously authorized tax
14 levy, except as required by the operation of the rate
15 limitation provisions of Section 7-37-7.1 NMSA 1978.

16 D. The board may establish and grant gratis
17 scholarships to students who are residents of New Mexico in
18 an amount not to exceed the matriculation fee or tuition and
19 fees, or both. The gratis scholarships are in addition to
20 the lottery tuition scholarships authorized in Section
21 21-16-10.1 NMSA 1978 and shall be granted to the full extent
22 of available funds before lottery tuition scholarships are
23 granted. The number of scholarships established and granted
24 pursuant to this subsection shall not exceed three percent of
25 the preceding fall semester enrollment in the technical and

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1 vocational institute and shall not be established and granted
2 for summer sessions. The president of the technical and
3 vocational institute shall select and recommend to the board
4 as recipients of scholarships students who possess good moral
5 character and satisfactory initiative, scholastic standing
6 and personality. [~~At least thirty-three and one-third~~
7 ~~percent~~] All of the gratis scholarships established and
8 granted by the board each year shall be granted on the basis
9 of financial need."

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